

EXHIBIT 12

No. 516,760

IN RE:

VIRGINIA F. KUH TRUST u/t/a dated
August 30, 1989

IN THE PROBATE COURT

§

§

NO. 3

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HARRIS COUNTY, TEXAS

MOTION FOR SUBSTITUTED SERVICE

1. *Parties.* ZIONS BANCORPORATION, N.A. (formerly d/b/a Western National Trust Company), current Trustee of the VIRGINIA F. KUH TRUST u/t/a dated August 30, 1989, and Petitioner (herein "Petitioner") in this cause, moves for substituted service of process on the following interested parties, HENRY STICK KUH, PATRICIA ANN KUH, MATTHEW S. ORNELAS-KUH, DANIEL G. KUH, and RONALD GRAFTON.

2. *Facts.* Petitioner filed an Original Petition for Appointment of Successor Trustee and for Judicial Modification of Trust on June 6, 2023 (herein "Petition"). As detailed in the Petition, the trust agreement for the VIRGINIA F. KUH TRUST u/t/a dated August 30, 1989 states that a resigning Trustee (Petitioner) must give notice to the "Grantor's adult descendants who are legally competent", and those seven individuals are HENRY STICK KUH, PATRICIA ANN KUH, MATTHEW S. ORNELAS-KUH, DANIEL G. KUH, and RONALD GRAFTON, LUKE GRAFTON, and KYLE GRAFTON. All of the seven foregoing named individuals are non-residents of Texas, and personal service has been attempted unsuccessfully for five of them as noted below:

3. *Grounds.* Written notice on interested parties, HENRY STICK KUH and PATRICIA ANN KUH, has been attempted by certified mail and regular mail to P.O. Box 11715, Zephyr Cove, Nevada 89448 and P.O. Box 4465, Stateline, Nevada 89449. Written notice on interested party, MATTHEW S. ORNELAS-KUH, has been attempted by certified mail and

regular mail to 2115 Chestnut Street #3210, Philadelphia, Pennsylvania 19103. Written notice on interested party, DANIEL G. KUH, has been attempted by email to danielgkuh@gmail.com. Written notice on interested party, RONALD GRAFTON, has been attempted by certified mail and regular mail to 191 Beloit Avenue, Los Angeles, California 90049 and 3022 Ingleside Drive, Hermosa Beach, California 90254. Written notice on interest parties, LUKE GRAFTON and KYLE GRAFTON, has been successful by certified mail and regular mail to 3022 Ingleside Drive, Hermosa Beach, California 90254. Please see the Affidavits attached as Exhibits "A" and "B" for additional details regarding the notices sent and the effort made attempting to provide the required notice.

4. *Requested Method of Service.* Service on interested parties, HENRY STIX KUH, PATRICIA ANN KUH, MATTHEW S. ORNELAS-KUH, DANIEL G. KUH, and RONALD GRAFTON should be made by citation by publication pursuant to Tex. R. Civ. P. 109.

5. *Prayer.* Petitioner prays that the Court direct that citation be served on the noted interested parties in the manner described above.

Respectfully submitted,
NANCE & SIMPSON, L.L.P.

By: 
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Attorneys for Petitioner

No. 516,760

IN RE:

VIRGINIA F. KUH TRUST u/t/a dated
August 30, 1989

§ IN THE PROBATE COURT

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§ NO. 3§
§ HARRIS COUNTY, TEXAS

**AFFIDAVIT IN SUPPORT
OF SUBSTITUTED SERVICE BY PUBLICATION**

BEFORE ME, the undersigned authority, on this day personally appeared DEBORAH S. GIBSON, to me well known and who, by me duly sworn, made the following statements and swore that they were true:

"My name is DEBORAH S. GIBSON. I am over the age of 18 years and competent to make this affidavit. Matters stated in this affidavit are true and correct. I am Director of Fiduciary Services for ZIONS BANCORPORATION, N.A. (formerly d/b/a Western National Trust Company), current Trustee of the VIRGINIA F. KUH TRUST u/t/a dated August 30, 1989. I am of sound mind and capable of making this affidavit. I am personally acquainted with the facts herein stated.

"ZIONS BANCORPORATION, N.A. (formerly d/b/a Western National Trust Company) is the Petitioner in the above-entitled and -numbered cause.

"Interested party, HENRY STIX KUH ("HENRY"), is has been travelling between Nevada and Mexico for health reasons. Henry contacted me via telephone on August 4, 2023; I informed him of this proceeding, and asked him for his and the other missing addresses (for the other interested parties), but he would not provide me his address or any contact information for the other interested parties who are related to him. To my knowledge, he does not have a permanent address in Nevada. I know that Susan M. Leeder is an attorney with Kreitlein,

EXHIBIT

"A"

Leeder, Moss, Ltd. located at 1575 Delucchi Lane, Suite 105, Reno, Nevada 89502, and that she at one time represented HENRY. I have spoken with Susan and her office requesting the address of HENRY and the other interested parties who are related to HENRY. I have also left numerous phone messages for HENRY requesting addresses for him and the other interested parties who are related to him. I have exercised due diligence in attempting to locate the whereabouts of HENRY and have been unable to do so."

"Interested party, PATRICIA ANN KUH ("PATRICIA"), is absent from the state. The residence of PATRICIA is unknown to me. I have exercised due diligence in attempting to locate the whereabouts of PATRICIA and have been unable to do so."

"Interested party, MATTHEW S. ORNELAS-KUH ("MATTHEW"), is absent from the state. The residence of MATTHEW is unknown to me. I have exercised due diligence in attempting to locate the whereabouts of MATTHEW and have been unable to do so."

"Interested party, DANIEL G. KUH ("DANIEL"), is absent from the state. The residence of DANIEL is unknown to me. I have exercised due diligence in attempting to locate the whereabouts of DANIEL and have been unable to do so."

"Interested party, RONALD GRAFTON ("RONALD"), is absent from the state. The residence of RONALD is unknown to me. I have exercised due diligence in attempting to locate the whereabouts of RONALD and have been unable to do so."

"Interested party, KYLE GRAFTON ("KYLE"), is absent from the state. The residence of KYLE is unknown to me. I have exercised due diligence in attempting to locate the whereabouts of KYLE and have been unable to do so."

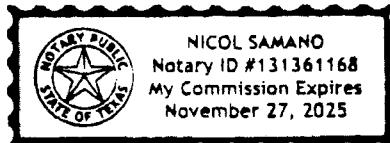
"Interested party, LUKE GRAFTON ("LUKE"), is absent from the state. The residence of LUKE is unknown to me. I have exercised due diligence in attempting to locate the

whereabouts of LUKE and have been unable to do so."

SIGNED on August 14, 2023.

Deborah S. Gibson
DEBORAH S. GIBSON, Director of Fiduciary Services for ZIONS BANCORPORATION, N.A. (formerly d/b/a Western National Trust Company), Petitioner

SWORN TO and SUBSCRIBED BEFORE ME by DEBORAH S. GIBSON, Director of Fiduciary Services for ZIONS BANCORPORATION, N.A. (formerly d/b/a Western National Trust Company), this 14th day of August, 2023, to certify which witness my hand and seal of office, in the capacity therein stated.



[Handwritten signature]
Notary Public, State of Texas

No. 516,760

IN RE:

VIRGINIA F. KUH TRUST u/t/a dated
August 30, 1989

IN THE PROBATE COURT

NO. 3

HARRIS COUNTY, TEXAS

AFFIDAVIT IN SUPPORT
OF SUBSTITUTED SERVICE BY PUBLICATION

BEFORE ME, the undersigned authority, on this day personally appeared JAIME ARANDA, to me well known and who, by me duly sworn, made the following statements and swore that they were true:

"My name is JAIME ARANDA. I am over the age of 18 years and competent to make this affidavit. Matters stated in this affidavit are true and correct. I am a legal assistant for Stephen C. Simpson of Nance & Simpson, LLP, attorneys for ZIONS BANCORPORATION, N.A. (formerly d/b/a Western National Trust Company), current Trustee of the VIRGINIA F. KUH TRUST. I am of sound mind and capable of making this affidavit. I am personally acquainted with the facts herein stated.

"ZIONS BANCORPORATION, N.A. (formerly d/b/a Western National Trust Company) ("Petitioner") is the Petitioner in the above-entitled and numbered cause.

"Interested parties, HENRY STIX KUH ("HENRY") and PATRICIA ANN KUH ("PATRICIA"), are absent from the state. The residences of HENRY and PATRICIA are unknown to me. I have not been able to make direct contact with HENRY or PATRICIA. It was represented to me by Petitioner that HENRY and PATRICIA reside together, and that HENRY was at one time represented by an attorney, Susan M. Leeder of Kreitlein, Leeder, Moss, Ltd. located at 1575 Delucchi Lane, Suite 105, Reno, Nevada 89502. I have spoken twice with a legal

assistant, Cynthia, at that firm, who confirmed that they at one time represented HENRY, and I was provided HENRY's last known address: P.O. Box 11715, Zephyr Cove, Nevada 89448. On or about June 7, 2023, copies of the Petition were sent via certified mail, return receipt requested and regular mail to that address (I sent two letters, one for HENRY and one for PATRICIA). The certified mail packages were both returned "attempted -not known". The regular mail packages were not returned. On or about June 20, 2023, copies of the Petition (one for HENRY and one for PATRICIA) were sent via certified mail, return receipt requested and regular mail to the following address Petitioner had on file for HENRY and PATRICIA: P.O. Box 4465, Stateline, Nevada 89449; however, both of these latter letters (certified and regular for both HENRY and PATRICIA) were returned "unclaimed" and "unable to forward". Copies of all the returned packages are attached. I have also attempted to located HENRY and PATRICIA via social media. I have exercised due diligence in attempting to locate the whereabouts of HENRY and PATRICIA and have been unable to do so."

"Interested party, MATTHEW S. ORNELAS-KUH ("MATTHEW"), is absent from the state. The residence of MATTHEW is known to me. I made contact with MATTHEW via LinkedIn, and I had regular email correspondence with him, a copy of which is attached. In our email correspondence, MATTHEW gave me his mailing address. A copy of the Petition was sent via certified mail, return receipt requested and regular mail on or about June 7, 2023, to the address he provided: 2116 Chestnut Street #3120, Philadelphia, Pennsylvania 19103. The certified mail package was returned as "unclaimed". A copy of returned certified mail package is attached is attached. The regular mail package has not been returned. In my email correspondence with MATTHEW, I also requested the addresses or any contact information for the other interested parties but only received an email address for his brother, DANIEL G. KUH.

I have exercised due diligence in attempting to locate the whereabouts of MATTHEW and have been unable to do so."

"Interested party, DANIEL G. KUH ("DANIEL"), is absent from the state. The residence of DANIEL G. KUH is unknown to me. As noted above, I was provided an email address for DANIEL by his brother, MATTHEW. I have attempted to contact DANIEL numerous times via that email but no reply. A PDF copy of the Petition was sent via email on June 7, 2023, to the email I was provided: danielkuh@gmail.com. A copy of my email to DANIEL is attached. I have exercised due diligence in attempting to locate the whereabouts of DANIEL and have been unable to do so."

"Interested party, KYLE GRAFTON ("KYLE"), is absent from the state, and I had correspondence with KYLE via Facebook Messenger. Copies of the conversations are attached. KYLE provided me a mailing address for him and his brother, LUKE GRAFTON, and stated they both live at the same address. A copy of the Petition was sent to KYLE via certified mail, return receipt requested and regular mail on or about June 7, 2023, to 3022 Ingleside Drive, Hermosa Beach, California 90254. I have not received a signed green card; however, USPS tracking shows the certified mail package was delivered on June 14, 2023. A copy of the tracking information is attached. In my correspondence with KYLE, I also requested the address or other contact information for the other interested parties but was not provided any information."

"Interested party, LUKE GRAFTON ("LUKE"), is absent from the state, but as noted above, I received his address from his brother KYLE. A copy of the Petition was sent to LUKE via certified mail, return receipt requested and regular mail on or about June 7, 2023, to 3022 Ingleside Drive, Hermosa Beach, California 90254. I have not received a signed green card;

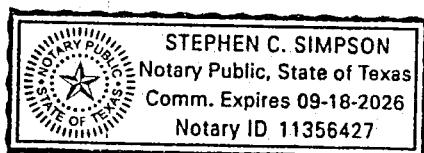
however, USPS tracking shows the certified mail package was delivered on June 14, 2023. A copy of the tracking information is attached."

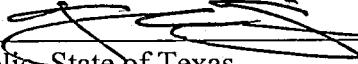
"Interested party, RONALD GRAFTON ("RONALD"), is absent from the state. The residence of RONALD GRAFTON is unknown to me. I requested RONALD's contact information from his son, KYLE, but never received any information. I sent a request to who I believe to be RONALD via Facebook Messenger, but I have not received a response. I sent a request to KIM STALLINGS GRAFTON who I believe to be the wife of RONALD via Facebook Messenger, but I never received a response. I also searched the public real property records in California, and I found a possible address, and a copy of the Petition was sent via certified mail, return receipt requested and regular mail on or about June 7, 2023, to that address: 191 Beloit Avenue, Los Angeles, California 90049. I did not receive a green card back, and the USPS tracking says "Delivery Attempt." The certified mail package was returned as "unclaimed". A copy of returned certified mail package is attached is attached. The regular mail package was not returned. Since KYLE and LUKE are the sons of RONALD and their certified mail packages were successfully delivered, I also sent a copy of the Petition to RONALD via certified mail, return receipt requested and regular mail on or about June 20, 2023, to his sons' address at 3022 Ingleside Drive, Hermosa Beach, California 90254; however, the certified mail package was returned with a hand-written note: "DOESN'T LIVE HERE". The regular mail package was not returned. Copy of the foregoing packages are attached. I have exercised due diligence in attempting to locate the whereabouts of RONALD GRAFTON and have been unable to do so."

SIGNED on Aug. 23, 2023.


JAIME ARANDA

SWORN TO and SUBSCRIBED BEFORE ME by JAIME ARANDA, this 23rd day of August, 2023, to certify which witness my hand and seal of office, in the capacity therein stated.




Notary Public, State of Texas

UNOFFICIAL COPY

PS Exam 3813 11-19-2020 PSN 7530-02-0000163 Page 2392

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USPS FIRST CLASS MAIL®	
<p>Nance & Simpson, LLP 2603 Augusta Dr Suite 1000 Houston TX 77057-5638</p>	
<p>SHIP TO: HENRY STIX KUH Po Box 11715 Zephyr Cove NV 89448-3715 <i>15th Street</i></p>	
<p><input checked="" type="checkbox"/> Mailed, <i>RE</i> <input type="checkbox"/> Attempted - No <input type="checkbox"/> No Such Address</p>	
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Nance & Simpson, LLP
2603 Augusta Dr Suite 1000
Houston TX 77057-5638

HENRY STIX KUH
PO Box 4465
Stateline NV 89449-4465

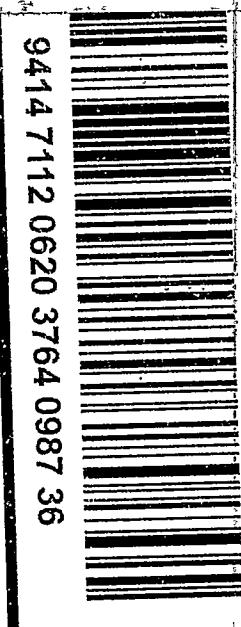
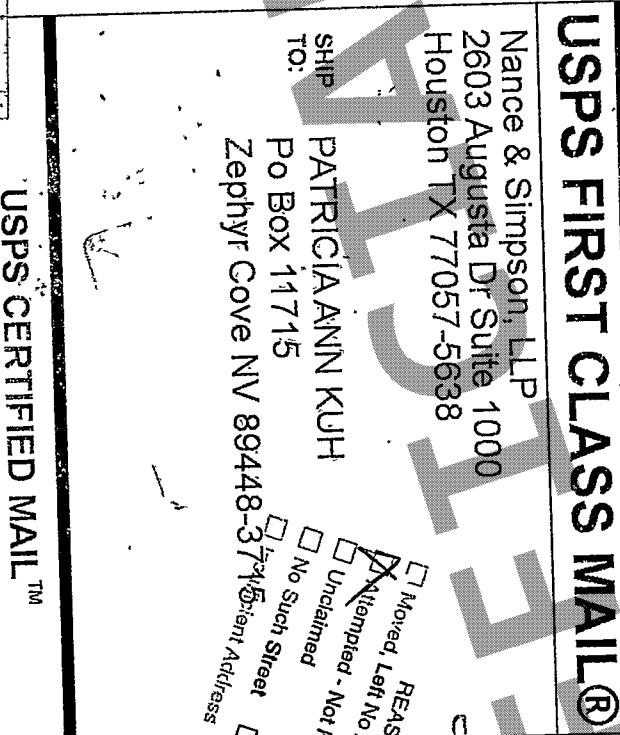
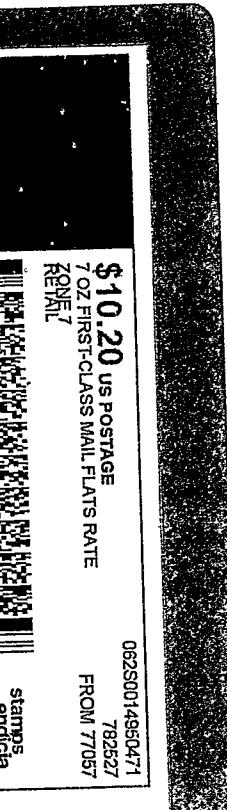
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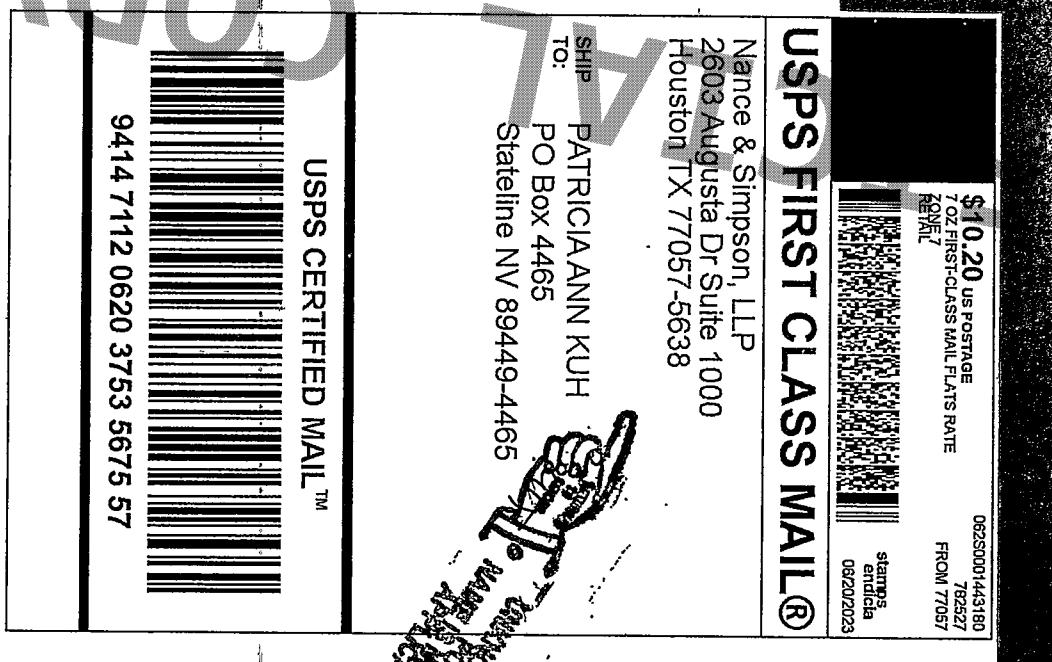
Delivery Status

Delivery Status: Undelivered Moved Attempted No Such Service Insufficient Funds

44465 6/26-111



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A large, bold, semi-transparent watermark-like text 'TICKET MAIL' is overlaid across the center of the image. The main content is a standard USPS First Class Mail label. At the top right is a barcode. To its left, the text reads '\$10.20' and '7 OZ FIRST-CLASS MAIL FLATS RATE FSN 6. R&M'. Below this is a 'RENTAL' stamp. The central text area contains the recipient's information: 'Nance & Simpson, LLP' and '2603 Augusta Dr Suite 1000 Houston TX 77057-5638'. The sender's information is: 'TO: MATTHEW S. ORNELAS-KUH' and '2116 Chestnut St Unit 3210 Philadelphia PA 19103-5009'. At the bottom right is a smaller barcode and the text 'AUG 2021' above 'STAMPS ENDURE'.

Body

FILED

08/25/2023 9:52:40 AM

Teneshia Hudspeth

County Clerk

Harris County, Texas

Rebecca.Zapata

No. 516,760**IN RE:****VIRGINIA F. KUH TRUST u/t/a dated
August 30, 1989****IN THE PROBATE COURT****§****§ NO. 3****§****§****§****HARRIS COUNTY, TEXAS**

ORDER GRANTING
MOTION FOR SUBSTITUTED SERVICE

On this day the Court considered Petitioner's Motion for Substituted Service on interested parties, HENRY STIX KUH, PATRICIA ANN KUH, MATTHEW S. ORNELAS-KUH, DANIEL G. KUH, and RONALD GRAFTON.

The Court finds that the required notice has been successfully served on LUKE GRAFTON and KYLE GRAFTON, but as to interested parties, HENRY STIX KUH, PATRICIA ANN KUH, MATTHEW S. ORNELAS-KUH, DANIEL G. KUH, and RONALD GRAFTON:

1. The facts set forth in the affidavits of JAIME ARANDA and DEBORAH S. GIBSON are accepted as true and incorporated herein as if set forth at length.
2. Petitioner has exercised due diligence to give written notice to the foregoing interested parties.
3. The manner of service ordered herein will be reasonably effective in giving the foregoing interested parties written notice of the suit.

IT IS THEREFORE ORDERED that service of citation may be made on interested parties, HENRY STIX KUH, PATRICIA ANN KUH, MATTHEW S. ORNELAS-KUH, DANIEL G. KUH, and RONALD GRAFTON, by publishing a copy of the citation of the petition in a local newspaper published in Harris County, Texas.

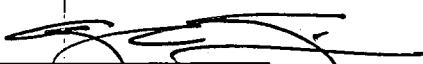
IT IS FURTHER ORDERED that proof of service shall be made by the person executing the return in accordance with the requirements of law.

Signed: August 24, 2023
4:20:32 PM

J. W. Simpson
JUDGE PRESIDING

APPROVED AS TO FORM:

NANCE & SIMPSON, L.L.P.

By: 

STEPHEN C. SIMPSON

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Attorneys for Petitioner

UNOFFICIAL COPY

